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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,564	01/07/2000	AKIKO MIYATA	P/3156-13	3214

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EXAMINER
YUN, EUGENE

ART UNIT	PAPER NUMBER
2683	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/479,564	Applicant(s) MIYATA, AKIKO
	Examiner Eugene Yun	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1,2,8,9,14,15,20-22,28-30,32 and 33 is/are rejected.

7)☒ Claim(s) 3-7, 10-13, 16-19, 23-27, and 31 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 07 January 2000 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 8, 9, 14, 15, 20-22, 28-30, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Enmei (6,067,082).

Referring to Claim 1, Enmei teaches a destination calling control system comprising:

a database (see col. 3, line 42);

an image storage for storing image data (see col. 3, lines 42-43);

a display 3C (fig. 116) for displaying said image data;

area specification means for specifying a destination image area within an image displayed on said display (see fig. 69);

input means for entering destination data corresponding to the destination image area (see col. 30, lines 20-21);

data registration means for calculating coordinate data of said destination image area (see col. 30, lines 22-23), associating said coordinate data with the destination data (see col. 30, lines 23-36), and registering storing said associated data in said database (see col. 3, lines 42-43); and

calling means 7 (fig. 1) for calling the destination based on the destination data and the destination area.

Referring to Claim 9, Enmei teaches a destination calling control method comprising:

capturing image data (see col. 3, lines 32-34);

storing the image data (see col. 3, lines 42-43);

displaying said image data as a displayed image (see 3C of fig. 116);

specifying a destination image area within said displayed image (see fig. 69);

entering destination data corresponding to said destination image data (see col. 30, lines 20-21);

calculating coordinate data for said destination image area (see col. 30, lines 22-23), associating said coordinate data with said destination image area (see col. 30, lines 23-36), and storing the associated data with a database (see col. 3, lines 42-43);

retrieving destination data by specifying said destination image area (see col. 30, lines 21-22);

calculating said coordinates of said destination image area searching said database for the destination data (see col. 30, lines 23-24); and

calling said destination corresponding to the destination data (see col. 3, lines 46-49 and 7 of fig. 1).

Referring to Claim 15, Enmei teaches a computer readable program product, said program product configured to execute in a computer the following destination calling control method comprising:

capturing desired image data (see col. 3, lines 32-34) and storing said data (see col. 3, lines 42-43);

displaying said image data (see 3C of fig. 116);

specifying a desired area within an image displayed corresponding to said image data (see fig. 69) and, entering destination data corresponding to said destination image area (see col. 30, lines 20-21);

calculating coordinate data of said desired area (see col. 30, lines 22-23), associating said coordinate data with said destination data (see col. 30, lines 23-36), and storing said associated data with a database (see col. 3, lines 42-43);

specifying as a destination, the desired area in the image and calculating the coordinate of the desired area specified searching said database for the destination data based on the coordinate (see col. 30, lines 19-36), and calling the destination based on the destination data (see col. 3, lines 46-49 and 7 of fig. 1).

Referring to Claim 21, Enmei teaches a destination calling control system comprising:

a memory device configured to store a database (see col. 3, line 42);

an image storage unit for storing image data (see col. 3, lines 42-43);

a display unit 3C (fig. 116) for displaying the image data;

an area specification unit configured to allow a user to specify a desired area within the image displayed on said display unit (see fig. 69);

an input unit for entering destination data (see col. 30, lines 20-21);

a data registration unit configured to calculate coordinate data of the area specified by said area specification unit as a destination image area (see col. 30, lines 22-23), associating the coordinate data with the destination data entered from said input unit (see col. 30, lines 23-36), and to register the associated data with said database (see col. 3, lines 42-43);

a destination data search unit configured to calculate the coordinates of the area specified by said area specification unit as a destination and to search said database for the destination data based on the coordinates (see col. 30, lines 21-24); and

a calling unit calling the destination based on the destination data obtained by said destination data search unit (see col. 3, lines 46-49 and 7 of fig. 1).

Referring to Claim 2 and 22, Enmei also teaches said display comprising a touch screen (input pen 55 of fig. 116 is used to touch screen).

Referring to Claims 8 and 28, Enmei also teaches said data registration means defining an outline of said destination image area, calculating the coordinate data of

said outline, associating said coordinate data with said destination data, and storing said associated data in said database (see col. 30, lines 19-36).

Referring to Claims 14 and 20, Enmei also teaches the coordinate area of said destination image area obtained by extracting an outline of a destination object in said destination image area and by calculating said coordinates of an area encircled by said outline (see col. 30, lines 19-36).

Referring to Claim 29, Enmei also teaches destination data search means for calculating coordinates of a selected area indicating a destination image area for searching said database means for the destination data associated with the coordinates (see col. 30, lines 21-24); and

calling means for calling the destination associated with the destination data obtained by said destination data search means (see col. 3, lines 46-49).

Referring to Claim 30, Enmei teaches a destination calling control method comprising:

capturing an image (see col. 3, lines 32-34);

storing said image (see col. 3, lines 42-43);

selecting a portion of said image (see 553 of fig. 69);

entering destination data corresponding to said portion of said image (see col. 30, lines 20-21);

storing said destination data corresponding to said portion of said image (see col. 32, lines 35-39);

retrieving said destination data by selecting said portion of said image (see col. 32, lines 26-28); and

dialing a call utilizing said destination data (see col. 3, lines 46-49 and 7 of fig. 1).

Referring to Claim 32, Enmei teaches a destination calling apparatus comprising:

a memory for storing an image (see col. 3, lines 42-43);

a display 3C (fig. 116) for displaying said image;

a selector for selecting a portion of said image (see 553 of fig. 69);

an input device for entering destination data corresponding to said portion of said image (see col. 30, lines 20-21);

a register for calculating coordinate data for said portion of said image (see col. 30, lines 22-23), associating said coordinate data with said destination data (see col. 30, lines 23-36), and storing said associated data in said memory (see col. 30, lines 13-36);

a searcher for retrieving destination data based on coordinates of a portion of said image selected by said selector (see col. 32, lines 26-28); and

a calling device for calling using the destination data retrieved by said searcher (see col. 3, lines 46-49 and 7 of fig. 1).

Referring to Claim 33, Enmei also teaches said program product carried on a medium (see col. 3, lines 31-49).

Allowable Subject Matter

3. Claims 3-7, 10-13, 16-19, 23-27, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claims 3 and 23, Enmei does not teach image pasting means for pasting a title image created by a title image creation means and the plurality of destination images captured by said image capturing means and for storing the pasted images.

Regarding Claims 10 and 16, Enmei does not teach creating a paste image by pasting a plurality of destination images with a title image.

Regarding Claims 11 and 17, Enmei does not teach assigning unique number in a numeric keypad to a paste image, and displaying the destination image or the title image in response to the number of the numeric key that is pressed.

Regarding Claim 31, Enmei does not teach said image including at least a portion of a person.

Response to Arguments

4. Applicant's arguments filed 12/31/2002 have been fully considered but they are not persuasive.

The applicant argues that Enmei does not disclose the applicant's "data registration means" or inputting "destination data". While the examiner agrees that Enmei may not disclose a telephone number associated with the destination data, there are no specifics of any kind of a telephone number in any of the independent claims.

Therefore, the term "destination data" is broad enough that it can equate to the data disclosed in Enmei in the above cited passages.

Enmei also discloses a wireless telephone means 7 in fig. 1. The use of a telephone means to call a destination is well known to one skilled in the art. That statement combined with the broader interpretation of the term "destination data" is sufficient enough to read on the calling features in the applicant's independent claims.

There is no detail of the use of volatile memory in any of the independent claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2683

EY
March 4, 2003

WILLIAM TROST
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